

# **Exhibit H**



U.S. Department of Justice

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*Via Hand Delivery*

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Re: Lists of appropriated Quantlab files

Dear Counsel:

Enclosed with this letter are lists of appropriated Quantlab files generated by our forensic expert that relate to the four "incidents" discussed with counsel for Kuharsky, Godlevsky, and Maravina at the U.S. Attorney's Office last Thursday and Friday. Below is a short description of the incidents and the related Quantlab files.

Incident 1

Quantlab terminated Kuharsky and Godlevsky on March 8, 2007. On March 23, 2007, the Quantlab system was accessed through VPN from IP address 70.122.244.162 by user

"aandreev." That IP address is associated with Kuharsky's home in Houston. While employed at Quantlab, Kuharsky had accessed the Quantlab system from that same IP address on 203 occasions. The VPN client profile for "aandreev" was found saved on Kuharsky's home laptop. File folder "qqq" and subfolder "egg" were created on the Kuharsky home laptop at the time of the March 23, 2007 VPN access. These folders were copied to a Western Digital drive at Kuharsky's house on June 13, 2007, and were copied to a Seagate drive at Kuharsky's house on June 18, 2007. Files qqq and egg contain proprietary Quantlab configuration files for Quantlab's production code. These configuration files set parameters for trading. A list of the files found on the Kuharsky laptop in file folders qqq and egg is attached as Appendix C. The files saved to the Western Digital hard drive are listed in Appendix D. The files saved to the Seagate drive are listed in Appendix E.

#### Incident 2

Maravina resigned from Quantlab on January 3, 2008. Shortly before her resignation, on December 21, 2007, a large number of Quantlab files were downloaded to her desktop and then to a thumb drive. These files include FixGateway and BrokerClientSimulator. On January 2, 2008, most of the downloaded files were copied to Maravina's home computer. On January 8, 2008 (after she had resigned from Quantlab), files were copied to a Seagate drive at the Kuharsky/Maravina home. A list of files downloaded to the Maravina Quantlab computer on December 21, 2007 is attached as Appendix A. The files created on the Seagate drive are listed in Appendix B.

#### Incident 3

On August 7, 2007, a collection of Quantlab files called QuoteServer4 was downloaded to the Maravina Quantlab desktop computer and to an attached thumb drive. On September 27, 2007, QuoteServer4 was accessed on the Godlevsky SXP computer. On September 28, 2007, QuoteServer4 was accessed on the Kuharsky SXP computer. QuoteServer4 did not exist prior to the termination of Kuharsky and Godlevsky from Quantlab—the programmer responsible for drafting it had not begun to draft it at the time they were fired. The files downloaded to the Maravina Quantlab desktop are listed in Appendix F. Files copied to the thumb drive are listed in Appendix G.

#### Incident 4

On April 20, 2007, the file folders "code" and "code\_backup" were created on the Kuharsky home Seagate drive. Code and code\_backup contain Quantlab research code for exploratory research related to Quantlab's trading system. On November 22, 2007, code and code\_backup were copied to the Godlevsky SXP computer. On November 24, 2007, there was an attempt to compile the file known as "simulator" (a subfolder within code/code\_backup) on the Godlevsky SXP computer. An examination of files on the Godlevsky SXP computer within user vgodlevsky's "My Recent Documents" folder revealed shortcuts to numerous Quantlab files from code and code\_backup that were accessed between January 8, 2008, and February 28, 2008. The "last modified date" of the code and code\_backup files on the Kuharsky home Seagate drive and on the Godlevsky SXP computer is November 22, 2006, the date Quantlab forced Godlevsky to take a sabbatical. The files within code and code\_backup on the Kuharsky Seagate drive are

listed in Appendix H. The code and code\_backup files copied to the Godlevsky SXP computer are listed in Appendix I.

This information is disclosed pursuant to Rule 11 of the Federal Rules of Criminal Procedure for purposes of plea negotiations only.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Johnson", with a long horizontal flourish extending to the right.

Robert S. Johnson  
Assistant U.S. Attorney